

REMARKS

Initially, Applicant would like to express his appreciation to the Examiner for the detailed Official Action provided. Applicant also notes with appreciation Examiner's acknowledgment of Applicant's Information Disclosure Statement filed in the present application by the return of the initialed and signed PTO-1449 form and the Examiner's acknowledgment of Applicant's claim for priority and receipt of the certified copies of the priority documents in the Official Action. Applicant notes that the Examiner did not indicate whether the drawings submitted on August 23, 2003 were accepted or objected to, and respectfully requests that the Examiner make such an indication in the next official communication to Applicant.

Upon entry of the present Amendment, claims 1 and 8 will have been amended to correct a grammatical error, and claims 9-16 will have been added. Claims 1-16 are pending for consideration by the Examiner. Applicant notes that newly-added claims 9-16 generally correspond to original claims 1-8, and recite, *inter alia*, a digital camera having an image pick-up device and a body. Applicant further gratefully acknowledges the Examiner's indication of the allowability of claims 2 and 4.

The Examiner has rejected claims 1, 3 and 5-8 under 35 U.S.C. § 102(a) as being anticipated by Japanese Patent Publication No. 2002-277719 to NOMURA et al. (in which present Inventor Nomura is an inventor, hereinafter "JP NOMURA"), finding that this reference teaches all of the limitations of the above claims.¹

¹ Further to a telephone conversation with Examiner Gray on March 14, 2005, the Examiner confirmed that the notation on the form PTOL-326 that the allowance of claims 1, 3 and 5-8 was in error, and that these claims were rejected.

P23691.A03

Applicant respectfully traverses the Examiner's rejection and notes that JP NOMURA is not prior art under 35 U.S.C. § 102. Specifically, Applicant notes that the Japanese priority patent application (*i.e.*, Japanese Patent Application No. 2002-247338, filed August 27, 2002) has a Japanese filing date that is before the September 25, 2002 Japanese publication date of the JP NOMURA publication. In this regard, and in order to expedite the allowance of the present application, Applicant submits herewith a verified translation the priority Japanese Patent Application, thereby perfecting priority of the present application under 35 U.S.C. § 119 and removing JP NOMURA as a reference.

However, Applicant notes that Japanese Patent Publication No. 2002-277719 to NOMURA has a U.S. family member, namely U.S. Patent No. 6,665,129 (hereinafter "US NOMURA"). In this regard, Applicant notes that US NOMURA (as well as JP NOMURA) fails to teach or suggest at least the claimed feature of wherein all cam grooves are partial cam grooves each having at least one end opening at at least one of opposite ends of said cam ring, so as not to include an entire portion of said reference cam diagram, wherein said plurality of complementing cam followers are located at different positions at least in said optical axis direction, and wherein at least one of said complementing cam followers remains engaged in a corresponding said cam groove while at least one of the other of said complementing cam followers comes out of said end opening and is disengaged therefrom, when said linearly movable frame moves to at least one of opposite limits for movement thereof in said optical axis direction (as claimed in claim 1 and newly-added claim 9).

US NOMURA (as well as JP NOMURA) further fails to teach or suggest the claimed feature wherein at least one cam groove of said pair of cam grooves is a discontinuous cam

P23691.A03

groove having at least two end openings at at least one of opposite ends of said cam ring so as not to include a part of an entire portion of said reference cam diagram, wherein said pair of complementing cam followers are located at different positions in at least said optical axis direction and engageable in said pair of cam grooves, respectively; and wherein one cam follower of said pair of said complementing cam followers comes out of said end opening and is disengaged from one of said pair of cam grooves while the other of said complementing cam followers remains engaged in the other of said cam grooves, when said linearly movable frame moves to at least one of opposite limits for movement thereof in said optical axis direction (as claimed in claim 8 and newly-added claim 16).

A non-limiting example of such cam grooves and complementing cam followers are shown, *inter alia*, in Figs. 79-83 of the present application.

To the contrary, *none* of the cam grooves of US NOMURA are partial cam grooves, and *all* of the cam grooves of US NOMURA are continuous (as shown, *e.g.*, in Fig. 8 of US NOMURA, which is a developed view of the cam ring). Thus, each cam groove of US NOMURA includes the entire portion of a reference cam diagram.

Further, since US NOMURA does not have the claimed complementing cam followers located on a linearly movable frame, the follower pins 19d of US NOMURA are not at different positions in the optical axis direction (*see, e.g.*, Fig. 3 of US NOMURA). In US NOMURA, it is thus not possible for one cam follower to come out of an end opening and be disengaged from a cam groove while the other of the cam followers remains engaged in another cam groove, as substantially recited in all independent claims.

P23691.A03

With respect to the Examiner's rejection of dependent claims 3 and 5-7, Applicant submits that these claims (as well as newly-added claims 10-15) are dependent from allowable independent claim 1 (or allowable independent claim 9), which is allowable for at least the reasons discussed *supra*. Thus, these dependent claims (as well as newly-added claims 10-15) are also allowable for at least the reasons discussed *supra*. Further, all dependent claims set forth a further combination of elements neither taught nor disclosed by any of the applied references.

Absent a disclosure in a single reference of each and every element recited in a claim, a *prima facie* case of anticipation cannot be made under 35 U.S.C. § 102. Since the applied reference fails to disclose each and every element recited in independent claims 1, 8, 9 and 16, these claims, and the claims dependent therefrom, are not anticipated thereby. Accordingly, the Examiner is respectfully requested to withdraw the rejection under 35 U.S.C. § 102.

It is therefore respectfully requested that the Examiner withdraw the rejection under 35 U.S.C. § 102 in due course.

COMMENTS ON STATEMENT OF REASONS FOR THE INDICATION OF ALLOWABLE
SUBJECT MATTER

In response to the Statement of Reasons for the Indication of Allowable Subject Matter, mailed by the Patent and Trademark Office on September 28, 2004, along with the above-noted Office Action, Applicant wishes to clarify the record with respect to the basis for patentability of the allowed claims in the present application. In this regard, while Applicant does not disagree with the Examiner's indications that certain identified features are not disclosed by the prior art references, as noted by the Examiner, Applicant further wishes to clarify that each of the independent claims in the present application recites a particular combination of features, and the basis for patentability of each of these claims is further based on the particular totality of the features recited therein. The dependent claims set forth additional basis for their patentability in accordance with their recited limitations as well as in accordance with the particular limitations of the respective base claims.

SUMMARY AND CONCLUSION

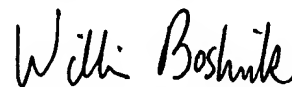
Applicant thus respectfully submits that each and every pending claim in the present application is in condition for allowance, and respectfully requests withdrawal of the outstanding objection and rejection, and allowance of all pending claims in the present application.

With respect to Applicant's amendment of claims 1 and 8, Applicant submits that this amendment has not been made for a purpose related to patentability, but rather is a clarifying amendment that is cosmetic in nature that is not intended to narrow the scope of the claims, but is rather intended, as discussed *supra*, to correct a grammatical error. Accordingly, this amendment should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should there be any questions regarding this paper or the present application, the Examiner is respectfully requested to contact the undersigned at the below-listed telephone number.

William S. Boshnick
Reg. No. 44,550

Respectfully submitted,
Hiroshi NOMURA



Bruce H. Bernstein
Reg. No. 29,027

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GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191